

Untitled

To: David Amerland
From: Kathy Gold

RE: Cool Publications Third-Party Agreement

number: 44161 4407569

number of pages including this one: 2

Cool Publications Third-Party Agreement

Cool Publications Ltd., provides, at its discretion, and by agreement publishing services and marketing tools for self-published authors.

The company retains no exclusive rights to the author's Work. Self-published authors are their own publishers and are free to list and sell their works elsewhere.

There are no time limitations imposed by this agreement and it may be terminated by either party, for any reason, immediately by e-mailed request, with or without cause.

This Agreement is between Cool Publications Ltd hereafter referred to as the "Company", and the Author or duly authorized legal representative (herein represented as "Author"), in regards to the Work (herein represented as "Work") named at the end of the contract and shall be considered legal and binding in all countries, and its separate or conglomerate governments.

I. CLAUSES REGARDING RIGHTS GRANTED TO COMPANY

The author grants the non-exclusive right to sell the Work in digital format, including, but not limited to: computer disk, data bases, CD ROM, and any and all other computer and computer related or digital based storage medium, known and unknown.

The Company claims no other rights to the Work.

II. CLAUSES REGARDING WORK SUBMITTED

The Author hereby states that the Work submitted to the Company is free and clear of any counts of libel, plagiarism, breach of privacy or misrepresentation of facts. The Author also states that the Work, if biographical or "as told to the Author" is, to the best of the Author's knowledge, factual and true. The Author agrees to pay the Company's legal fees if legal action arises from any known or unknown libel, plagiarism, breach of privacy or misrepresentation of facts, copyright infringement or any other legal dispute related to the authenticity, character or content of the Author's books.

The Author hereby states that the Work does not infringe on the privacy of any third party; that he or she is owner of any trademarks and/or trade names associated with the Work; that the Work does not constitute obscenity, hate literature or illegal content and that the author has the right to enter into this Agreement.

The Author states that the Work is not currently in the public domain and that the Author is the sole owner and copyright holder of the work, with full power to enter into this contract. The Author states that if the Work

has previously been published in whole or in part, that author currently holds all copyrights to the Work and that the author is legally permitted to enter into this agreement.

The Author releases the Company from any responsibilities relating to any legal actions incurred by the contents of the Work or the Author.

Author agrees to not enter into any agreements with any person, firm or corporation that will conflict with the rights granted to the Company as stated in this contract without first terminating Author's contract with the Company.

The Author will register and retain all copyrights to the work.

The Company reserves the right to stop advertising and selling books that are involved in any legal dispute or pending legal dispute.

The Author agrees to submit Work according to the Company's specifications.

If, during the existence of this Agreement any entity makes unauthorized use of the author's Work, it is the sole responsibility of the author to take legal action as may be required to restrain such wrong or to seek damages and the author shall bear all costs and expenses and, subsequently, the Author shall keep all remunerations resulting from the legal actions.

III. CLAUSES REGARDING THE FORMAT OF WORK

The Company sells Works in two formats: electronic (ebook) and CD.

Works in electronic format are delivered to the customer as digital files. The Author acknowledges that because of the digital nature of these files, it is possible for them to be replicated and distributed illegally once they are purchased by the customer and outside of the control of the Company. The Author agrees to not hold the Company liable if such a situation should occur.

Works in CD format are delivered to the customer as physical CDs.

Works in electronic format are required to have an International Standard Book Number (ISBN). Authors of books may assign an ISBN owned by themselves to the Work. If the Author does not own an ISBN to assign to the Work, the Company will assign an ISBN that it owns.

2.) Upon termination of this contract, the ISBN is unassigned from the Work and decommissioned.

CLAUSES REGARDING THE ANNUAL REVIEW OF WORKS' SALES

On an annual basis, the Company reviews the sales of all Works and makes a determination of which Works it will continue selling.

If a Work is not averaging a sales rate of at least five copies per month, the Company reserves the right to remove the Work and terminate the contract with the Author.

IV. CLAUSES REGARDING SERVICE PROVIDED BY THE COMPANY

The Company provides services to support the Author in the publishing and sale of the Work. Those services include:

- 1.) making the Author's Work available to the consumer through Coolpublications.com in either ebook and/or CD format.
- 2.) fulfilling orders for the Work by processing the customer's payments and delivering the Work in the format the customer paid for.
- 3.) handling customer support enquiries.
- 4.) distributing the author's commissions of each sale of the Work to the Author on a monthly basis provided the author's unpaid commissions exceed £10.00.
- 5.) providing, where possible, additional publicity by way of press releases, profile web pages and press interviews.

V. CLAUSES REGARDING CHARGES OF COMPANY

There is no set-up cost to list Works in ebook format, provided the Work is approved by the Company and has been submitted to the Company per its specifications.

VI. CLAUSES REGARDING THE PRICING OF WORK

The Author is allowed to set the list price of the Work at whatever the Author would like, provide the price is at or above the Company's minimum prices.

The minimum price for Works in ebook format is £1.99. No Work for sale in ebook format can have a list price of less than £1.99. Note that Works in ebook format that have a list price of less than £4.99 are subject to a royalty rate of 40%. Ebooks priced at £4.99 or higher receive a royalty rate of 50%.

The Author is free to sell the Work through sales channels other than those controlled by the Company. However, the Author agrees not to sell the EBOOK VERSION of the Work through outside sales channels

for a list price that is less than the list price the Author is selling the EBOOK for through the Company's sales channels.

VII. CLAUSES REGARDING ROYALTY PAYMENTS

The Company's sales and fulfillment system allows the Author to view a report of royalties owed over the Internet via the World-Wide Web.

Royalties are only paid on sales deemed final. Criteria for deeming a sale final are as follows:

- 1.) the sale has been processed by the Company's sales and fulfillment system, and
- 2.) the proceeds of the sale have been deposited in the Company's bank account.

Only when these two criteria have been met, will royalties be credited to an author's account.

Sales deemed final may be reversed in the following circumstances:

- 1.) The customer requests a refund.
- 2.) A credit card is used for the purchase and the card holder later issues a chargeback, which is defined as a refusal to pay because the customer deems the charge unauthorized.
- 3.) The customer pays with a cheque that is returned because of insufficient funds.
- 4.) Any possible fraud is detected, including fraudulent orders suspected by Coolpublications.com or any other bookseller or distributor. Authors will not be paid royalties for orders placed at bookstores that are not picked up and paid for by the ordering customer.

Because of the slow nature of credit card companies, a chargeback may take several months to resolve. For this reason, sales deemed final may be reversed at any time.

If a sales deemed final is reversed and the royalty has already been paid to the Author, the amount of the royalty paid will be deducted from future royalties owed to the Author by the Company.

If future royalties owed to the Author by the Company are insufficient to cover the cost of sales that have been reversed, the Author is responsible for refunding the money to the Company.

Royalty payments are processed and mailed on the 5th business day of each month. Royalty payments are paid in British pounds. Royalty payments are only made on accounts with outstanding balances of £10.00 GBP or more. Accounts with outstanding balances of less than

£10.00 GBP are not paid until they reach £10.00 GBP or until the account is terminated, whichever happens first. The Company routinely distributes all unpaid royalties on an annual basis regardless of account balance to clear liabilities from the Company's accounting records.

For co-authored Works where more than one individual owns the rights to the Work, the Company will distribute one cheque payable to both/all authors or to a company owned by both/all authors and designated as the Authors' Book's designated payee. The Company can not distribute separate royalty cheques to authors of co-authored works. All Authors of Works published by the Company MUST complete this contract and register as an Author with the Company.

The Company will not re-issue missing royalty cheques (those that don't arrive at their destination) for a minimum of four weeks. Mail does go astray, though rarely. Forwarded mail takes longer to arrive. Cancelled cheques are expensive to process. Banks don't always catch cancelled cheques and occasionally allow them to clear. For all of these reasons, the Company allows extra time to determine what has happened to cheques that don't arrive promptly at their destinations.

Please ensure you send your new address to Cool Publications as soon as possible after moving. And, always expect a prompt confirmation from the Company via email that your new address has been received and processed.

VIII. CLAUSES REGARDING SALES CHANNELS

The Company has a variety of sales channels through which it can sell the Author's Work, each paying different royalty rates and having different conditions of participation. These are the Company's current sales channels:

Coolpublications.com - the Company's principle sales channel. All accepted Works are eligible to be listed for sale in coolpublications.com. The royalty rates for ebook format with a list price of £4.99 or more, 50% of the list price is paid. to the Author; a Work in ebook format with a list price of £4.99 or less, 40% of the list price is paid to the Author.

Bookshop CDs - direct account. Bookshops ordering CD copies On direct account receive a greater discount than Those which don't. Royalties for CDs are: 30% where bookshop CD sale takes place. When the discount exceeds 50% the royalties drop to 15% of net CD price.

Wholesale Orders Processed By the Company - the Company's sales channel for fulfilling purchase orders directly from bookstores, libraries and retail outlets. The Company offers a 20% discount on the list

price of books purchased through this sales channel. The royalty rate for this channel is: 15% of the list price is paid to the Author.

Ingram - the Company's sales channel for selling through a distributor (Ingram). The Company offers a 20% discount on the list price of books purchased through this sales channel. The royalty rate for this channel is: 15% of the list price is paid to the Author.

Ingram United Kingdom (UK) and affiliates/partners - The Company's sales channel for selling through some distributors in and near the United Kingdom (though anyone can purchase books through this channel regardless of their geographic location). The Company offers a 25% discount on the list price of books purchased through this sales channel.

Sales channels can be added or removed at the Company's discretion and without prior notice. If a sales channel is added or removed, the Company will notify Authors and explain how the addition or removal affects the sale of their Works.

Cool Publications is not responsible for books sold at the incorrect price by third parties. Authors earn royalties based on the list price of their book, not based on the sales price offered by retailers.

Cool Publications can't guarantee the successful sale and delivery of books through distributors, bookstores and other wholesale outlets. Those firms are responsible for their own sales and distribution. Wholesalers and retailers may refuse to list books for sale and may refuse to honour orders received for a variety of reasons. Cool Publications is not responsible for the decisions and actions of other companies with regard to the marketing, sales and distribution of Cool Publications.com books.

IX. CLAUSES REGARDING COMMUNICATION WITH AUTHORS

The primary method of distributing royalty cheques is via Royal Mail and in GB pounds. By agreement we can pay royalties using PayPal and in a currency other than £ GBP though there may be charges levied for this service.

The primary method of communication with Authors shall be via email. Therefore, the Company cannot enter into any agreement with Authors who do not have access to email.

If the Company can't reach the author via email, the author's contract and account must be terminated and the Work removed from all sales channels.

If the Author is owed royalties and the Company cannot distribute those royalties because cheques are being returned to the Company by mail, royalties owed shall be set aside for six months, beginning from the time

the Author's account was terminated. If after six months the Author or Author's legally designated representative has failed to claim unpaid royalties, the royalties shall be deemed charitable funds and donated to a non-profit organization of the Company's choice.

It is the Author's responsibility to notify the Company when the Author's current email address and/or physical address changes.

X. CLAUSES REGARDING THE PROMOTIONAL ACTIVITY OF AUTHORS

When an Author's Work is made available for sale, the Company issues the Author a Web page at a Company URL where a customer may buy the Work. The Author is encouraged to promote this URL both online and offline. The Author is also given an electronic promotion kit that details the proper way for authors to register the URL with search engines and directories online.

The Author may use the URL in any promotion they see fit, provided that promotion is not illegal and does not have the potential to damage the Company's brand.

If the Author is unsure about a specific promotional tactic, the Author is required to seek the advice of the Company before proceeding with the promotion.

The Company is adamantly against the tactics of spam. Spam is defined as:

- 1.) sending a form email en masse to people who have not requested it,
- 2.) posting a form message en masse to newsgroups or discussion lists,
- 3.) any unsolicited electronic posting that results in complaints to the Company, the Company's web hosting service or an anti-spam group whether made by the Author of the Work or by a third party without the Author's knowledge,

The Author should never use spam tactics when promoting their Work. Authors who use spam tactics when promoting their Work shall have their contract immediately terminated, their Work removed instantly from the Company's sales channels and become ineligible to do business with the Company in the future. As with any contract termination, there will be no refund issued for fees already charged.

The Author will not have any rights to or in any trademark, service mark, trade name, mark or colophon used or licensed by the Company without written permission from the Company.

XI. CLAUSES REGARDING THE PROMOTIONAL ACTIVITY OF THE COMPANY

The Company shall have the right to use the Author's name or pen name (whichever Author specifies), likeness and biographical material for the purpose of advertising, publishing, and promoting the Work itself, its title, and all material, including characters in the Work, through their use, simulation, or graphic exploitations on or in connection with the Work or the Company.

The company may, at its sole discretion, distribute excerpts and reprints of portions of the Author's titles to print, broadcast, and electronic publications or to the general public for marketing purposes.

The company may, at its sole discretion, distribute a copy of the Work in electronic format to book reviewers who request a review copy. The Company only distribute books to professional book reviewers and, when possible, the Author will be notified when the book is being sent to a reviewer.

The Company is the sole owner of all URLs (Web site addresses) on the Company's web sites. We will not redirect URLs outside of our Web sites under any circumstances, including upon termination of an author's contract.

XII. CLAUSES REGARDING DEALS NEGOTIATED BY THE AUTHOR WITH THIRD-PARTIES

The Author and the Company are independent contractors, and nothing in this Agreement will create any partnership, joint venture, agency, franchise, sales representative, or employment relationship between the parties.

This agreement does not create an exclusive relationship between the Author and the Company.

The Author will have no authority to make or accept any offers or representations on the Company's behalf. The Author agrees not to make any statement, written or oral that would contradict the above.

If the Author wishes to enter into a distribution deal with a third-party with which the Company has no established relationship, the Author is free to do so. However in that instance, the Author agrees to negotiate the terms as well as perform all sales fulfillment and management of the relationship. The Company has no obligation to support relationships entered into independently with third- parties by the Author, other than to sell the Work to the Author at the same standard discount it gives to all Authors.

XIII. CLAUSES REGARDING THE HANDLING OF CUSTOMER

INFORMATION

The Company's transaction system contains personal information and buy habits of individual customers. Per the Company's Privacy Statement, this data is not shared with anyone outside the Company.

XIV. CLAUSES REGARDING THE HANDLING OF SALES DATA

The Company's transaction system contains sales data regarding the purchase of Works. The Company owns this data.

The Company shares this data with the Author in the form of royalty reports. When the Company shares this data as royalty reports, it provides the date, time, and amount for each sales transaction for a Work. The Company does not distribute customer contact information to Authors. This is done to assure the Company is complying with its own Privacy Statement, which states that it will not share data that contains the information and buy habits of individual customers with outside parties.

The Company participates in an industry best seller list program. In this program, a third party aggregates sales data from all participating companies and creates a ranked list of the best selling titles from all of those companies. This means the total number of copies sold of a Work is given to this third party. In order to prove a Work has sold as many copies as the Company claims, the Company provides copies of cancelled royalty cheques to the third party. This shows the third party how much in royalties the Company paid the Author for sales of a Work, thus proving a specific number of copies of the Work were, in fact, sold.

The third party only uses the data described above to determine which Work ranks where on the best seller list. The third party is bound by a confidentially agreement with the Company, and thus cannot and does not share the royalty amounts and total copies of a Work sold with anyone. All that is published is a ranked list of Works from all participating companies.

If sales of an Author's Work are such that it becomes a candidate for the best seller list program, the Company has the right to distribute this information to the best seller list.

XV. CLAUSES REGARDING THE AVAILABILITY OF WORKS FOR SALE

The Company shall make all reasonable efforts to keep its Web sites and publishing structure viable at all times. Temporary lapses in the site's presence on the Internet or World Wide Web occurring through natural or technical causes do not constitute an exhaustion of

edition.

The Work shall not be deemed "out-of-print" for as long as its presence remains in the Company's sales channels, unless any agreed to time limits have been reached without renewal by both the Company and the Author. However, Author and/or the Company may terminate this agreement at any time for any reason.

XVI. GENERAL CLAUSES

The Company will not enter into a business relationship with an author or company that competes, either directly or indirectly, with coolpublications.com. The Company shares sensitive, strategic information with authors. To share this information with individuals and firms who may have the opportunity to use this information in competition with Cool Publications would, of course, be a bad business decision.

If Cool Publications determines, at its sole discretion, that an author or firm is considered a competitor, the Company will immediately terminate its contract with that individual or firm.

All prices and fees discussed in this contract are subject to change without notice.

The Company may at any time sell itself, or the majority of self, its holdings, licenses or grants. Current contracts would transfer to the new owner.

If the Company is legally judged bankrupt or liquidates its business, this Agreement shall be effectively terminated and all rights granted to the Company shall be terminated. The Company will only be responsible to the Author for the unpaid royalties at the time of insolvency.

During the course of this contract and beyond, the Author may receive information relating to the Company and related entities that is not known to the general public ("Confidential Information"). Confidential Information includes, without limitation, information relating to sales consummated. The Author agrees that:

- 1.) all Confidential Information will remain the Company's exclusive property;
- 2.) the Author will use Confidential Information only as is reasonably necessary for the relationship with the Company; and
- 3.) the Author will not disclose Confidential Information to any individual, company, or other third party.

The Company may amend any of the terms and conditions contained in this Agreement at any time and solely at its discretion. Any changes will be effective upon

posting of the revisions on the Internet. The Author is responsible for reviewing the notice and any applicable changes.

The Company will make every effort to contact the Author if this agreement changes, but the Company cannot be held responsible for electronic transmission problems. Changes to this agreement, however, may be posted without notice to the Author. THE AUTHOR'S CONTINUED PARTICIPATION IN THE COMPANY'S PROGRAMS AFTER THE COMPANY'S POSTING OF ANY CHANGES WILL CONSTITUTE THE AUTHOR'S ACCEPTANCE OF SUCH CHANGES OR MODIFICATIONS. IF THE AUTHOR DOES NOT AGREE TO ANY CHANGES TO THIS AGREEMENT, THE AUTHOR MUST TERMINATE THIS AGREEMENT.

This Agreement will be governed by the laws the United Kingdom and you irrevocably consent to the jurisdiction of such courts. You may not assign this Agreement, by operation of law or otherwise, without our prior written consent. Subject to that restriction, this Agreement will be binding on, inure to, and be enforceable against the parties and their respective successors and assigns. Our failure to enforce your strict performance of any provision of this Agreement will not constitute a waiver of our right to enforce such provision or any other provision of this Agreement subsequently. Any notice or other communication under this Agreement will be given in writing and will be delivered by e-mail.

The parties agreed that except as specifically provided herein, all disputes arising under this Agreement shall be settled by binding arbitration in the United kingdom.

I HAVE READ AND UNDERSTAND THE AGREEMENT BETWEEN MYSELF AND THE COMPANY AND AGREE TO ALL TERMS AND CONDITIONS LISTED HEREIN.

Work: Gabrielle The Fallen

Date: 9/13/05

Cool Publications [when signed digitally the individual parties' email address shall be deemed as final signature]

dennis.c@coolpublications.com

Author: Kathy Gold

Kathy Gold 9/13/05

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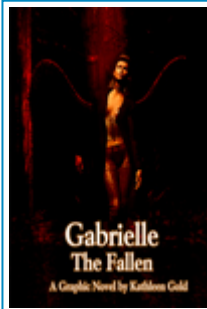
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Welcome to Cool Publications.

Our Latest Books



Title: Gabrielle The Fallen

Author: Kathleen Gold

The Eternal Battle For Redemption Between Heaven And Hell Is Being Fought Tonight...On Earth, And Only One Angel Stands In The Way.



Title: Troll

Author: Victor Hardbattle

In The Mountains...Against The Elements, Myth And Legend, Fact And Reality Are Separated By A Very Thin Line.



Title: The Complete Oscar Wilde

Author: Oscar Wilde

Oscar Wilde Pioneered The Cult Of The Celebrity. Ahead Of His Time By A Century He Left Behind A Body Of Work That Touches Deep All Those Who Read...

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Welcome to Cool Publications.

Our Latest Books

Title:

Gabrielle The Fallen

Author:

Kathleen Gold

The Eternal Battle For Redemption Between Heaven And Hell Is Being Fought Tonight...On Earth, And Only One Angel Stands In The Way.

Title:

Troll

Author:

Victor Hardbattle

In The Mountains...Against The Elements, Myth And Legend, Fact And Reality Are Separated By A Very Thin Line.

Title:

The Complete Oscar Wilde

Author:

Oscar Wilde

Oscar Wilde Pioneered The Cult Of The Celebrity. Ahead Of His Time By A Century He Left Behind A Body Of Work That Touches Deep All Those Who Read...

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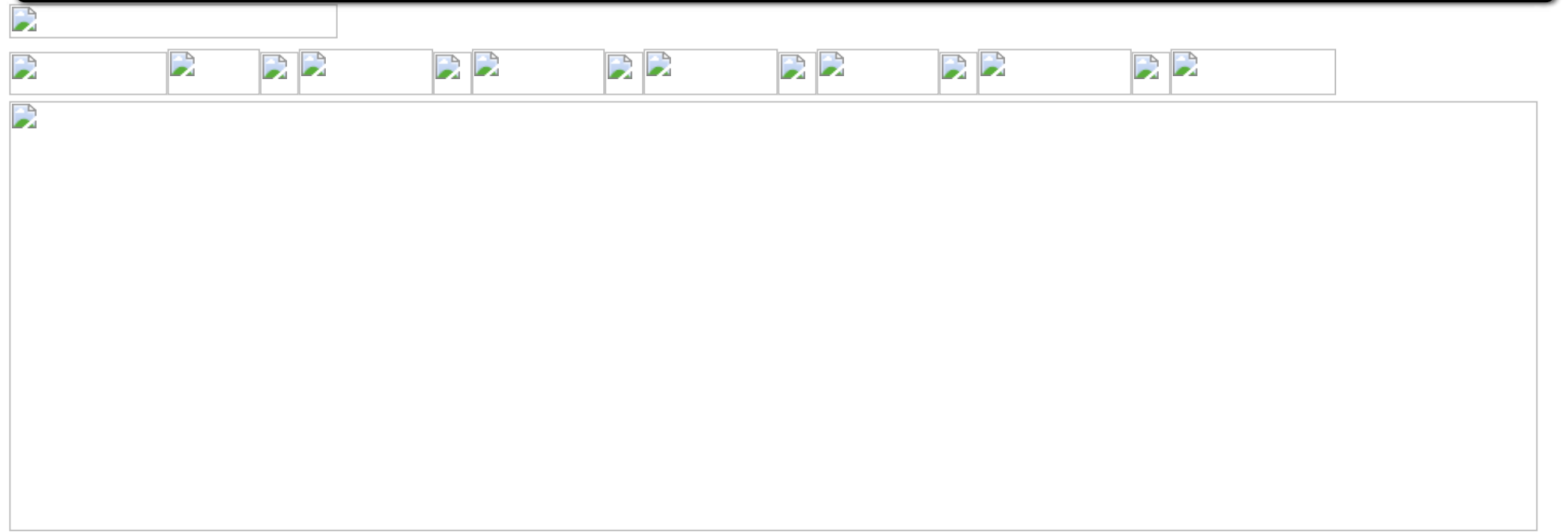
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New Member?



Gabrielle The Fallen
ISBN: 1844811468

Price: £2.99
by [Kathleen Gold](#)

Added: 02 ' ' December 2005

Purchase the book

Click on the format you would like to buy the book in .

Format	Price	Add To Cart
PDF	£2.99	
CD	£8.99	

Synopsis

In the beginning...

In the space between worlds,

At the edge of Time...

Stood... Gabrielle

Gabrielle fell once, she isn't going to fall again. Determined to make her amends and get back into God's grace, Gabrielle ventures down her path. Along the way, Lucifer and his minions try to stop her from succeeding. Whether they try to kill her or turn her, it doesn't matter. Gabrielle is determined that she will not fail this time nor will they stop her. Join Gabrielle on her journey to get back into God's grace and fulfill her destiny. See the adventure, see the action. Find out if she will succeed...

Breaking new ground in digital content, Kathleen Gold, presents a visually stunning graphic adventure that explores the power of faith, belief and love and the value of Redemption.

Reworking the legend of the Fall, Gold's work never fails to thrill the eye and excite the mind.

Working simultaneously at different levels, *Gabrielle The Fallen* is one those graphic novels that stay in your mind long after the story itself had reached The End.

Every end is also a beginning...says Gold...and with Gabrielle has began a character and a storyline that goes to the heart of everything we believe in and everything we think we hold dear.

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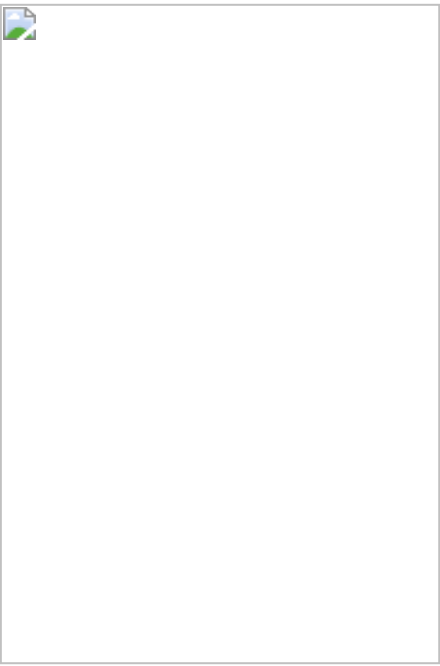
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- SHORT FICTION:
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- Horror
- Intrigue
- Literary
- Magic
- Romance
- Sci Fi
- Thriller/Adventure
- Vampire Tales

Author Details



Kathleen Gold...

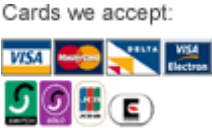
.....took up Graphic Novels as a medium because she wanted to make a movie. Realising that movie-making is not a one-person experience she became her own scene-crew, film-crew, casting agent and director and created Gabrielle! With digital technology speech bubbles only take up space when necessary so her work is visually arresting, commanding the entire page...like digital graphic novels should!

Books By Kathleen Gold

Gabrielle The Fallen

The eternal battle for redemption between Heaven and Hell is being fought tonight...on Earth, and only one angel stands in the way.

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FICTION:

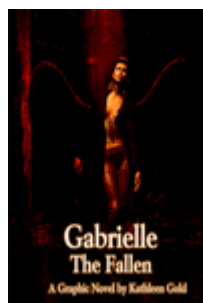
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Classics
Crime
Fantasy
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Occult
Romance
Sci Fi
Thriller/Adventure

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- New Age
- Pop Culture
- Pop Science
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- Cool Guides
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- Inspirational
- Fun Stuff
- Sports
- Computers

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Sci Fi
Thriller/Adventure
Vampire Tales



Gabrielle The Fallen

ISBN: 1844811468



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by Kathleen Gold

Added: 02 ' ' December 2005

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Breaking new ground in digital content, Kathleen Gold, presents a visually stunning graphic adventure that explores the power of faith, belief and love and the value of Redemption.

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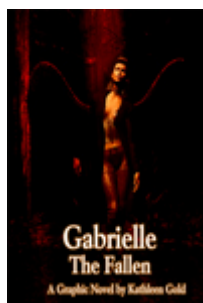
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

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Synopsis

In the beginning...

In the space between worlds,

At the edge of Time...

Stood... Gabrielle

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Redemption can be achieved...

It just may take several of Earth's lifetimes, says Kathleen Gold in her interactive graphic novel.



Gabrielle, The Fallen

What if the battle for the Fall isn't over? What if redemption can still be achieved? What if the time for it is right now? In our time. And what if the stakes are so high that more than just the saving of a single soul rides in the balance?

Kathleen Gold's interactive graphic novel picks up where ***Paradise Lost*** left off and in an effort that pushes the boundaries of the graphic novel to the limit, creates a world where new possibilities can be explored in a way that makes you think that digital books were invented just so graphic novels like this can be made possible.

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Cast of main characters:

Gabrielle

She is the archangel Gabriel. She was reborn into a body of a woman. Her mission is to destroy the last remnants of the tree of knowledge so that she can get back into God's grace, from which she fell. Her journey is not an easy one, it is wrought with peril. In every corner, every alley, evil lurks waiting for their chance to stop her from achieving her goal.

Damon

Damon is a demon who wants to be human again. If a demon does enough good he can take human form and when he dies he has a chance to go to heaven. But who's side is he really on? Will he really help Gabrielle in her quest or betray her for his master Lucifer?

Shane


His demonic soul surpasses his good looks and charm. He answers only to Lucifer. He is lucifer's right hand man. Lucifer wants to stop Gabrielle from achieving her goals and wants her to join his legion to once and for all defeat God. But if she can't be turned...she must be destroyed.

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